

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE:	:	CHAPTER 13
	:	
TIMOTHY GIBSON	:	BANKRUPTCY NO: 20-14586-ELF
	:	
Debtor	:	HEARING DATE: SEPTEMBER 21, 2021
	:	AT 9:30 A.M. COURTROOM 1
	:	900 MARKET STREET
	:	PHILADELPHIA, PA 19107

NOTICE OF MOTION, RESPONSE DEADLINE AND HEARING DATE

YOKE RENG TAN has filed a Motion for Relief from the Automatic Stay seeking an Order allowing them to exercise any and all legal rights and remedies with respect to the possession of the premises located at 2238 GLENVIEW STREET, Philadelphia, PA 19149.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult an attorney.)

1. If you do not want the Court to grant the relief sought in the Motion or if you want the court to consider your views on the Motion, then on or before September 15, 2021 you or your attorney must do the following:

- (a) file an answer explaining your position at:

Clerk United States Bankruptcy Court
Robert N.C. Nix Building
900 Market Street, Suite 400
Philadelphia, PA 19107

If you mail your answer to the bankruptcy clerk's office for filing, you must mail it early enough so that it will be received on or before the date stated above; and

- (b) mail a copy to the movant's attorney at:

Howard G. Ford, Esquire
4256 Castor Avenue
Philadelphia, PA 19124

2. If you or your attorney do not take the steps described in paragraph 1(a) and 1(b) above and attend the court may enter an order granting the relief requested in the Motion.
3. A hearing on the Motion is scheduled to be held before the Honorable Eric L. Frank, United States Bankruptcy Judge on **SEPTEMBER 21, 2021 at 9:30 a.m** in Courtroom 1, United States Bankruptcy Court, Robert N.C. Nix Building, 900 Market Street, Philadelphia, PA 19107.
4. If a copy of the Motion is not enclosed, a copy of the Motion will be provided to you if you request a copy from the attorney named in paragraph 1(b).
5. You may contact the Bankruptcy Clerk's Office at 215-408-2800 to find out whether the hearing has been canceled because no one filed an answer.

Date: AUGUST 3, 2021

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ORDER

AND NOW, this _____ day of _____, 2021,
upon consideration of the Motion for Relief from the Automatic Stay filed by YOKE
KENG TAN (the “Motion”) and after notice thereof, and an opportunity to be heard, and
cause therefore having been shown, it is hereby

ORDERED that the automatic stay is vacated to permit the property owner to
resume an action in the Commonwealth of Pennsylvania for possession of the premises
located at 2238 GLENVIEW STREET, PHILADELPHIA, PA 19149.

ORDERED that the automatic stay does not apply in this case and does not stay
the Movant from obtaining possession of the premises located at 2238 GLENVIEW
STREET, PHILADELPHIA, PA 19149.

BY THE COURT:

Honorable Eric L. Frank
U.S. Bankruptcy Judge

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MOTION FOR RELIEF FROM THE AUTOMATIC STAY

YOKE KENG TAN, hereinafter referred to as the “Owner,” by and through their undersigned counsel, Howard G. Ford, Esquire, hereby moves this Honorable Court for an Order permitting relief from the automatic stay with respect to the property located at 2238 GLENVIEW STREET, Philadelphia, PA 19149, and in support thereof, avers as follows:

1. On December 14, 2020 (the “Petition Date”), TIMOTHY GIBSON (the “Debtor”) filed a voluntary Chapter 13 petition in the Eastern District of Pennsylvania.
2. YOKE KENG TAN is the owner of a residential property located at 2238 GLENVIEW STREET, Philadelphia, PA 19149 (the “Premises,”) having acquired same via a private sale that occurred on, or about, March 26, 2013.
3. Debtor entered into a lease agreement for Premises with Owner on or about March 3, 2019 for a current term of month-to-month. See Lease Agreement attached hereto and incorporated herein as Exhibit “A.”

4. This matter is a core proceeding and this Court has jurisdiction pursuant to 28 U.S.C. Section 1334. Venue is proper pursuant to 28 U.S.C. Sections 1408 and 1409. Movant seeks relief pursuant to 11 U.S.C. Section 362(d) and FRBP 4001 and 9014.

5. Owner filed a landlord-tenant action in Philadelphia County Municipal Court against the Debtor on February 10, 2020 with an initial court date scheduled for April 17, 2020.

6. Due to Covid-19, the Court closed and thereafter rescheduled the landlord-tenant matter for December 1, 2020. See Municipal Court Dockets attached hereto and incorporated herein as Exhibit “B.”

7. Prior to the court closure, the Debtor was notified that the Owner was terminating the month-to-month lease agreement due to the lease expiration and habitual non-payment of rent. See Lease Termination Notice attached hereto and incorporated herein as Exhibit “C.”

8.. The Debtor no longer has a valid right to possession of the Subject Premises.

8. Movant is entitled to relief from the automatic stay for cause, including the lack of adequate protection, as the Debtor does NOT have equity in the Subject Premises, the Subject Premises is NOT necessary for an effective reorganization and the Debtor no longer has a valid interest in the Subject Premises.

9. In the alternative, the Debtor has not adopted the lease and/or made any payments to the Owner since initiation of this action and, as such, the real estate is not property of the estate and not subject to the automatic stay.

10. “Cause” exists to grant the Owner relief from the automatic stay because the Owner’s interest in the Premises is not adequately protected since the Debtor has failed to pay any rent and/or vacate the Subject Premises since the Petition Date.

11. Accordingly, the Owner is entitled to relief from the automatic stay for cause pursuant to Section 362(d) of the United State Bankruptcy Code, to exercise rights, remedies and privileges with respect to the Premises.

WHEREFORE, YOKE KENG TAN, respectfully requests that this Court enter an Order: a) vacating the automatic stay of Section 362 of the United States Bankruptcy Code to permit it to exercise all of his rights, remedies and privileges with respect to the Premises; b) granting such other and further relief as this Court deems necessary and just.

Respectfully Submitted,

Howard G. Ford, Esquire

Howard G. Ford, Esquire
4256 Castor Avenue
Philadelphia, PA 19124

Dated: August 25, 2021